

2012 WL 12055155 (Ark.Cir.) (Trial Pleading)
Circuit Court of Arkansas.
Pulaski County

Nikki S. JONES,
v.
PARKVIEW REHABILITATION, LLC, et al.

No. CV2011000019.
April 24, 2012.

Amended Complaint

Tanekiw Wright, as Administratrix of the Estate of Sallie M. Singleton, [Brian D. Reddick](#) (AR 94057), [Brent L. Moss](#) (AR 95075), Reddick Moss, PLLC, One Information Way, Suite 201, Little Rock, Arkansas 72202, Telephone: 501907-7790, Facsimile: (501) 907-7793, for the plaintiff.

COMES NOW, the Plaintiff, Nikki S. Jones, as Administratrix of the Estate of Sallie M. Singleton, by and through her attorneys, Reddick Moss, PLLC and for her cause of action against Defendants Parkview Rehabilitation, LLC d/b/a Parkview Rehabilitation and Healthcare Center; Health Systems of Arkansas, LLC; and Edward V. Holman, states as follows:

Jurisdictional Statement

1. Nikki S. Jones was appointed Administratrix of the Estate of Sallie M. Singleton, deceased, on March 16, 2012 pursuant to an Order for Reissue of Letters of Administration by the Pulaski County Circuit Court, Probate Division, Case No. 60PR-10-1320, a copy of which is attached hereto as Exhibit A. Plaintiff brings this action on behalf of the Estate of Sallie M. Singleton.
2. Nikki S. Jones, formerly known as Tanekiw S. Wright, is a granddaughter of Sallie M. Singleton.
3. Sallie Singleton, sometimes known as Sally Singleton, became a resident of Parkview Rehabilitation and Healthcare Center (sometimes referred to as “facility”), a nursing home located at 2600 John Barrow Road, Little Rock, Pulaski County, Arkansas in 2006.
4. Defendant Parkview Rehabilitation, LLC is domestic limited liability company that owned, operated, managed, and held the license for the nursing home located at 2600 Barrow Road, Little Rock, Pulaski County, Arkansas known as Parkview Rehabilitation and Healthcare Center. The causes of action made the basis of this suit arise out of such business conducted by Defendant Parkview Rehabilitation, LLC in the ownership, operation, management, licensing and/or control of Parkview Rehabilitation and Healthcare Center during the residency of Sallie Singleton.
5. Defendant Health Systems of Arkansas, LLC is domestic limited liability company that owned, operated, managed, and the nursing home located at 2600 Barrow Road, Little Rock, Pulaski County, Arkansas known as Parkview Rehabilitation and Healthcare Center. The causes of action made the basis of this suit arise out of such business conducted by Defendant Health Systems, LLC in the ownership, operation, management, licensing and/or control of Parkview Rehabilitation and Healthcare Center during the residency of Sallie Singleton.

6. Upon information and belief, Edward V. Holman is a resident of the State of Arkansas. At times material to this action, Edward V. Holman was a member of the Governing Body of Parkview Rehabilitation and Healthcare Center and was a control person as defined in [Ark. Code Ann. § 4-88-113\(d\)\(1\)](#) and is therefore jointly and severally liable for the Plaintiff's damages.

7. Jurisdiction and venue are proper in this Court.

Factual Allegations

8. Sallie Singleton was admitted to Parkview Rehabilitation and Healthcare Center in 2006. She remained a resident of the facility when the Defendants sold it on or about October 1, 2009.

9. Under state and federal law, the governing body of a nursing home is composed of individuals or a group in whom the ultimate authority and legal responsibility is vested for conduct of the nursing home. See Ark. Office of Long Term Care R. & Regs. § 100. All long-term care facilities must have a governing body, or designated persons functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the facility. See [42 C.F.R. § 483.75\(d\)\(1\)](#). The governing body has a legal duty to adopt effective patient care policies and administrative policies and by-laws governing the operation of the facility in accordance with legal requirements of state and federal law. See Ark. Office of Long Term Care R. & Regs. § 301.1. Edward V. Holman, as a member of the governing body of Parkview Rehabilitation and Healthcare Center, was legally responsible for appointing a qualified nursing home administrator and for establishing and implementing policies regarding management and operation of that facility. Defendant Edward V. Holman was charged with ultimate authority and legal responsibility for the conduct of that nursing home.

10. Defendants were aware of Sallie Singleton's medical conditions and the care she required when they represented that the facility could adequately care for her needs.

11. In an effort to ensure that Sallie Singleton and other residents whose care was partially funded by the government were placed at Parkview Rehabilitation and Healthcare Center, Defendants held themselves out to the Arkansas Department of Human Services (DHS) and the public at large as being:

- a) Skilled in the performance of nursing, rehabilitative and other medical support services;
- b) Properly staffed, supervised and equipped to meet the total needs of its nursing home residents;
- c) Able to specifically meet the total nursing home, medical and physical therapy needs of Ms. Singleton and other residents like her; and
- d) Licensed by DHS and complying on a continual basis with all rules, regulations and standards established for nursing homes.

12. Defendants failed to discharge their obligations of care to Ms. Singleton with a conscious disregard for her rights and safety. At all times mentioned herein, Defendants, through corporate officers and administrators, had knowledge of, ratified and/or otherwise authorized all of the acts and omissions that caused the injuries suffered by Ms. Singleton, as more fully set forth below. Defendants knew that the facility could not provide the minimum standard of care to the weak and vulnerable residents of Parkview Rehabilitation and Healthcare Center. The severity of the recurrent negligence inflicted upon Ms. Singleton while under the care of the Defendants accelerated the deterioration of her health and physical condition and resulted in physical and emotional injuries. While a resident at Parkview Rehabilitation and Healthcare Center, Ms. Singleton suffered from injuries including, but not limited to:

- a) Multiple falls;
- b) Medication errors;

- c) Multiple infections, including urinary tract infections and upper respiratory infections;
- c) Dehydration;
- d) Sepsis;
- e) Septicemia;
- f) Multiple pressure sores, including a stage IV sore to left great toe, a stage II sore to her left second toe, a stage II to her upper buttocks, and a stage II to her left lower buttocks;
- g) Weight loss;
- h) Methicillin-resistant Staphylococcus aureas; and
- i) Severe pain and suffering.

These injuries caused Ms. Singleton extreme pain and suffering, unnecessary medical treatments and hospitalizations, and severe emotional distress.

13. Defendant Edward V. Holman controlled the operation, planning, management and quality control of Parkview Rehabilitation and Healthcare Center. His authority exercised over the facility included, but was not limited to, budgeting, marketing, human resources management, training, staffing, creation and implementation of all policies and procedures of the facility, federal and state reimbursement, quality care assessment and compliance, licensure and certification, legal services, and financial, tax and accounting control through fiscal policies established by the Defendants. Defendant Edward V. Holman is therefore a control person as defined by [Ark. Code Ann. § 4-88-113\(d\)\(1\)](#) and is jointly and severally liable for the Plaintiff's damages.

14. Defendants operated and managed Parkview Rehabilitation and Healthcare Center so as to maximize profits by reducing staffing levels below that which was needed to provide adequate care to residents that would comply with federal and state regulations governing skilled nursing facilities. Thus, Defendants intentionally and/or with reckless disregard for the consequences of its actions caused staffing levels at the facility to be set so that the personnel on duty at any given time could not reasonably meet the needs of the residents. These acts of malfeasance caused injury to Sallie Singleton and other residents of Parkview Rehabilitation and Healthcare Center and were known to the Defendants. Defendants were on notice of numerous care problems that existed at the facility before and during Ms. Singleton's residency.

15. Plaintiff alleges that, during her residency at Parkview Rehabilitation and Healthcare Center, Sallie Singleton was under the care, supervision and treatment of Defendants and that the injuries complained of were proximately caused by the acts and omissions of the Defendants.

16. Defendants are vicariously liable for the acts and omissions of all persons or entities under their control, either directly or indirectly, including employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals or agencies causing or contributing to the injuries of Sallie Singleton.

Count One: Negligence

17. Plaintiff incorporates all of the allegations contained in Paragraphs 1-16 as if fully set forth herein.

18. Defendants owed a non-delegable duty to residents, including Sallie Singleton, to provide adequate and appropriate custodial care and supervision, which a reasonably careful person would provide under similar circumstances.

19. Defendants owed a non-delegable duty to residents, including Ms. Singleton, to hire, train and supervise employees to deliver care and services to residents in a safe and beneficial manner.

20. Defendants owed a non-delegable duty to residents, including Ms. Singleton, to use reasonable care in treating the facility's residents with the degree of skill and learning ordinarily possessed and used by nursing home facilities in the same or similar locality.

21. Defendants owed a non-delegable duty to assist all residents, including Ms. Singleton, in attaining and maintaining the highest level of physical, mental and psychosocial well-being

22. Defendants breached these duties by failing to exercise reasonable care and by failing to prevent the mistreatment, **abuse** and neglect of Ms. Singleton. The negligence of the Defendants includes, but is not limited to, the following acts and omissions:

a) The failure to ensure that Ms. Singleton attained and maintained her highest level of physical, mental, and psychosocial well being;

b) The failure to establish, publish and/or adhere to policies for nursing personnel concerning the care and treatment of residents with nursing, medical and psychosocial needs similar to those of Ms. Singleton;

c) The failure to provide care, treatment and medication in accordance with physician's orders;

d) The failure to increase the number of nursing personnel to ensure that Ms. Singleton received timely and accurate care assessments, and proper treatment medication and diet including sufficient fluids:

e) The failure to provide sufficient numbers of qualified personnel, including nurses, licensed practical nurses, certified nurse assistants and medication aides to meet the total needs of Ms. Singleton throughout her residency;

f) The failure to increase the number of nursing personnel at the facility to ensure that Ms. Singleton:

1. Received timely and accurate care assessments;

2. Received proper treatment, medication, and diet; and

3. Was protected from injuries by the correct use of ordered and reasonable safety measures.

g) The failure to provide adequate supervision to the nursing staff to ensure that Ms. Singleton received adequate and proper nutrition, fluids, therapeutic diet, and sanitary care treatments;

h) The failure to terminate employees at the facility assigned to Ms. Singleton who were known to be careless, incompetent and unwilling to comply with the policies and procedures of the facility and the rules and regulations promulgated by the Arkansas Department of Human Services and the Office of Long Term Care;

i) The failure to assign nursing personnel at the facility duties consistent with their education and experience based on:

1. Ms. Singleton's medical history and condition, nursing and rehabilitative needs;

2. The characteristics of the resident population residing in the area of the facility where Ms. Singleton was a resident; and,
 3. The nursing skills needed to provide care to such resident population.
- j) The failure by the members of the governing body of the facility to discharge their legal and lawful obligation by ensuring that the rules and regulations designed to protect the health and safety of residents, such as Ms. Singleton, as promulgated by the Arkansas Department of Human Services and the Arkansas Office of Long Term Care, were consistently complied with on an ongoing basis and ensuring appropriate corrective measures were implemented to correct problems concerning inadequate resident care;
 - k) The failure to adopt adequate guidelines, policies, and procedures of the facility for documenting, maintaining files, investigating and responding to any complaint regarding the quality of resident care or misconduct by employees at the facility, regardless of whether such complaint derived from a resident of the facility, an employee of the facility or any interested person;
 - l) The failure to maintain medical records on Ms. Singleton in accordance with accepted professional standards and practices that are complete, accurately documented, readily accessible and systematically organized with respect to diagnosis, treatment and assessment and establishment of appropriate care plans of care and treatment; and
 - m) The failure to properly in-service and orient employees to pertinent patient care needs to maintain the safety of residents.
23. A reasonably careful nursing home operating under similar circumstances would foresee that the failure to provide the ordinary care listed above would result in devastating injuries to Ms. Singleton.
24. Defendants further breached the duty of care to Ms. Singleton by violating certain laws and regulations in force in the State of Arkansas at the time of the occurrences discussed herein including, but not limited to, the following:
- a) By failing to comply with rules and regulations promulgated by the Arkansas Department of Human Services, Division of Social Services, Office of Long Term Care, pursuant to authority expressly conferred by Act 28 of 1979 ([Ark. Code Ann. § 20-10-202, et seq.](#)) and published in the Long Term Care (LTC) Provider Manual on April 8, 1984, and the supplements thereto, and federal minimum standards imposed by the United States Department of Health and Human Services;
 - b) By failing to provide the necessary care and services through sufficient numbers of nursing staff to attain or maintain the highest practicable, physical, mental and psychosocial well-being of Ms. Singleton, in accordance with the comprehensive assessment and plan of care;
 - c) By failing to ensure a nursing care plan based on Ms. Singleton's diagnoses, problems and needs was established that contained measurable objectives and timetables to meet her medical, nursing, and mental and psychosocial needs as identified in her comprehensive assessment;
 - d) By failing to review and revise Ms. Singleton's nursing care plan when her needs changed;
 - e) By failing to provide a safe environment;
 - f) By failing to administer the facility in a manner that enabled it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident; and
 - g) By violating [Ark. Code Ann. §§ 5-28-101](#) and [5-28-103](#) by criminally **abusing** and neglecting Ms. Singleton and by failing to report that **abuse** in violation of the Adult and Long-Term Care Facility Resident Maltreatment Act, [Ark. Code §§12-12-1701, et seq.](#)

25. A reasonably prudent nursing home, operating under the same or similar conditions, would not have failed to provide the care listed above. Each of the foregoing acts of negligence on the part of Defendants were a proximate cause of Sallie Singleton's injuries as more specifically described herein, which were all foreseeable. As a result, Ms. Singleton suffered personal injury including excruciating pain and suffering, and emotional distress. Plaintiff prays for compensatory damages against Defendants for the injuries sustained by Sallie Singleton.

26. As a direct and proximate result of such grossly negligent, willful, wanton, reckless, malicious and/or intentional conduct, Plaintiff asserts a claim for judgment for all compensatory and punitive damages against Defendants including, but not limited to, medical expenses, pain and suffering, mental anguish, and emotional distress in an amount exceeding that required by federal court jurisdiction in diversity of citizenship cases, to be determined by the jury, plus costs and all other relief to which Plaintiff is entitled by law.

Count Two: Medical Malpractice

27. Plaintiff incorporates all of the allegations contained in Paragraphs 1-26 as if fully set forth herein.

28. Defendants Parkview Rehabilitation, LLC and Health Systems of Arkansas, LLC owed a non-delegable duty to residents, including Sallie Singleton, to use reasonable care in treating residents of Parkview Rehabilitation and Healthcare Center with the degree of skill and learning ordinarily possessed and used by nursing home facilities in the same or similar locality.

29. Defendants Parkview Rehabilitation, LLC and Health Systems of Arkansas, LLC owed a non-delegable duty to assist all residents, including Ms. Singleton, in attaining and maintaining the highest level of physical, mental and psychosocial well-being.

30. Defendants Parkview Rehabilitation, LLC and Health Systems of Arkansas, LLC failed to meet the applicable standards of care and violated the duty of care it owed to Sallie Singleton through mistreatment, **abuse** and neglect. Defendants failed to adequately supervise nurses and aides and failed to hire sufficient nurses and aides. As such, the employees were unable to provide Ms. Singleton with the care and treatment she required, and negligent acts and omissions occurred as set forth herein. The medical negligence of Defendants includes, but is not limited to, the following acts and omissions:

a) The failure to ensure that Ms. Singleton received the following:

1. Timely and accurate care assessments;
2. Proper treatment, medication and diet;
3. Necessary supervision; and
4. Timely nursing and medical intervention due to a significant change in condition.

b) The failure to provide, implement, and ensure adequate nursing care plan revisions and modifications as the needs of Ms. Singleton changed;

c) The failure to provide, implement and ensure that an adequate nursing care plan for Ms. Singleton was created and followed by nursing personnel;

d) The failure to provide adequate care and treatment to Ms. Singleton; and

e) The failure to adequately and appropriately monitor Ms. Singleton and recognize significant changes in her health status.

31. A reasonably prudent nursing home, operating under the same or similar conditions, would not have failed to provide the necessary care and treatment as identified herein. Each of the foregoing acts of negligence on the part of Defendants was a proximate cause of Sallie Singleton's injuries, which were all foreseeable. As a result, Ms. Singleton suffered personal injury, including excruciating pain and suffering, and emotional distress. Plaintiff prays for compensatory damages against Defendants for injuries sustained by Ms. Singleton while she was a resident of the Defendants' facility.

32. Defendants Parkview Rehabilitation, LLC and Health Systems of Arkansas, LLC were negligent and reckless in breaching the duties owed to Sallie Singleton under the Medical Malpractice Act for the reasons specifically enumerated in this Complaint.

33. As a direct and proximate result of such grossly negligent, willful, wanton, reckless, malicious, and/or intentional conduct, Sallie Singleton suffered injuries as described herein. Plaintiff asserts a claim for judgment for all compensatory and punitive damages against Defendants Parkview Rehabilitation, LLC and Health Systems of Arkansas, LLC including, but not limited to, medical expenses, pain and suffering, mental anguish, and emotional distress and in an amount exceeding that required for federal court jurisdiction in diversity of citizenship cases, to be determined by the jury, plus costs and all other relief to which Plaintiff is entitled by law.

Count Three: The Residents' Rights Act

34. Plaintiff incorporates all of the allegations contained in Paragraphs 1-33 as if fully set forth herein.

35. As the licensee of Parkview Rehabilitation and Healthcare Center, Defendant Parkview Healthcare, LLC had statutorily-mandated duties to provide Sallie Singleton with basic, nursing home resident's rights as set forth in the Protection of Long-Term Care Facility Residents Act, [Ark. Code Ann. §§ 20-10-1201 et seq.](#)

36. The Protection of Long-Term Care Facility Residents Act mandates the development, establishment, and enforcement of basic standards for the health, care, and treatment of persons in long-term care facilities; and mandates that the maintenance and operation of long-term care facilities will ensure safe, adequate, and appropriate care, treatment, and health of residents, like Ms. Singleton.

37. The Protection of Long-Term Care Facility Residents Act mandates every licensed facility shall comply with all applicable standards and rules of the Office of Long-Term Care of the Arkansas Department of Human Services.

38. The statutory duty imposed upon the facility licensee to prevent deprivation or infringement of the resident's rights is non-delegable. Thus, the Defendant is directly liable to Plaintiff for any deprivation and infringement of Ms. Singleton's resident's rights occurring as a result of its own action or inaction, and as a result of the action or inaction of any other person or entity, including employees, agents, consultants, independent contractors and affiliated entities, whether in-house or outside entities, individuals or agencies, as well as any deprivation and infringement of Ms. Singleton's resident's rights caused by Defendant's policies and procedures, whether written or unwritten, and common practices.

39. Any person or entity acting as an employee or agent of the licensee assumed and undertook to perform the licensee's non-delegable and statutorily-mandated duty to provide Ms. Singleton's nursing home resident's rights as set forth in [Ark. Code Ann. §§ 20-10-1201 et seq.](#) in the operation and management of Parkview Rehabilitation and Healthcare Center.

40. Notwithstanding the responsibility of the licensee to protect and provide for these statutorily-mandated, nursing home resident's rights, Defendant infringed upon, and Ms. Singleton was deprived of, rights mandated by [Ark. Code Ann. §§ 20-10-1201 et seq.](#) including, but not limited to, the following:

a) The right to receive adequate and appropriate health care and protective and support services, including social services, mental health services, if available, planned recreational activities, and therapeutic and rehabilitative services consistent with the resident care plan for Ms. Singleton, with established and recognized practice standards within the community, and with rules as adopted by federal and state agencies, such rights include:

1) The right to receive adequate and appropriate custodial service, defined as care for Ms. Singleton which entailed observation of diet and sleeping habits and maintenance of a watchfulness over her general health, safety, and well-being; and

2) The right to receive adequate and appropriate residential care plans, defined as a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and Ms. Singleton or her designee or legal representative, which included a comprehensive assessment of her needs, a listing of services provided within or outside the facility to meet those needs, and an explanation of service goals;

b) The right to regular, consultative, and emergency services of physicians;

c) The right to appropriate observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care by nursing staff;

d) The right to access to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to the needs and conditions of Ms. Singleton, and not directly furnished by the licensee;

e) The right to a wholesome and nourishing diet sufficient to meet generally accepted standards of proper nutrition, guided by standards recommended by nationally recognized professional groups and associations with knowledge of dietetics, and such therapeutic diets as may be prescribed by attending physicians;

f) The right to a facility with its premises and equipment, and conduct of its operations maintained in a safe and sanitary manner;

g) The right to be free from mental and physical **abuse**, and from physical and chemical restraints;

h) The right to prompt efforts by the facility to resolve resident grievances, including grievances with respect to resident care and the behavior of other residents;

i) The right to the obligation of the facility to keep full records of the admissions and discharges of Ms. Singleton, and her medical and general health status, including:

1) medical records;

2) personal and social history;

3) individual resident care plans, including, but not limited to, prescribed services, service frequency and duration, and service goals;

4) making it a criminal offense to fraudulently alter, deface, or falsify any medical or other long-term care facility record, or cause or procure any of these offenses to be committed; and

j) The right to be treated courteously, fairly, and with the fullest measure of dignity.

41. The aforementioned infringement and deprivation of the rights of Ms. Singleton was the result of Defendant failing to do that which a reasonably careful person would do under similar circumstances.

42. As set forth herein, Defendant negligently failed to provide necessary treatment, rehabilitation, care, food, clothing, shelter, supervision, and medical services to Ms. Singleton.

43. As a result of the aforementioned violations, the Plaintiff, pursuant to [Ark. Code Ann. § 20-10-1209\(a\)\(4\)](#), is entitled to recover actual damages against the licensee of the facility. The Plaintiff asserts a claim for judgment for actual damages against Defendant, including, but not limited to, medical expenses, pain and suffering, mental anguish, and emotional distress, in an amount to be determined by the jury and exceeding that required for federal court jurisdiction in diversity of citizenship cases, plus costs and all other relief to which Plaintiff is entitled by law.

44. The infringement or deprivation of the resident's rights of Sallie Singleton was willful, wanton, gross, flagrant, reckless, or consciously indifferent. Pursuant to [Ark. Code Ann. § 20-10-1209\(c\)](#), Plaintiff is entitled to recover punitive damages against the licensee of the facility.

Count Four: Deceptive Trade Practices

45. Plaintiff incorporates the allegations contained in Paragraphs 1-44 as if fully set forth herein.

46. At all times pertinent to this cause of action, Sallie Singleton was a “disabled person” as defined by the Arkansas Deceptive Trade Practices Act, [Ark. Code Ann. § 4-88-201\(b\)](#). As a “disabled person” within the meaning of the Deceptive Trade Practices Act, the Plaintiff has a private cause of action to recover actual damages, punitive damages, and reasonable attorney's fees pursuant to [Ark. Code Ann. § 4-88-204](#).

47. At all relevant times, the Arkansas Deceptive Trade Practices Act, codified at [Ark. Code Ann. § 4-88-107\(a\)](#) provides that it is unlawful to:

a. Knowingly taking advantage of a consumer who is reasonably unable to protect her or her interest because of:

i. Physical infirmity; or

ii. A similar factor.

b. Engaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade.

48. [Ark. Code Ann. § 4-88-108](#) provides that, when utilized in connection with the sale or advertisement of any goods, services, or charitable solicitation, it shall be unlawful for any person to act, use or employ any deception, fraud or false pretense.

49. The conduct of Defendants, as described herein, constitutes a deceptive practice in violation of the Deceptive Trade Practices Act. Defendants violated the Protection of Long Term Care Facilities Residents' Act and federal law which is a per se violation of the Deceptive Trade Practices Act. Defendants also failed to inform Plaintiff in Defendants' standard admission agreement that the Facility routinely does not meet minimum staffing requirements imposed by state and federal law.

50. The Defendants engaged in an unconscionable, false, and/or deceptive act or practice in business, commerce and/or trade by marketing themselves and holding themselves out to the public and Sallie Singleton as being able to meet the needs of **elder** and disabled residents of Parkview Rehabilitation and Healthcare Center. Defendants profited greatly as a result of their deceptive trade practices, but the Defendants were aware that the facility could not meet the needs of its residents, including Ms. Singleton.

51. Defendants Health Systems of Arkansas, LLC and Edward V. Holman controlled the operations and administration of Parkview Rehabilitation and Healthcare Center. Their control over the facility included, but is not limited to, establishing policies and procedures governing operation of the facility, setting the facility's operating budget, control of staffing, hiring, and firing, of the facility's medical director, hiring, and firing, of the facility's administrator, and billing the state and federal governments. Defendants Health Systems of Arkansas, LLC and Edward V. Holman are therefore "control persons" as defined by the Arkansas Deceptive Trade Practices Act and thus jointly and severally liable for the Plaintiff's damages pursuant to [Ark. Code Ann. § 4-88-113\(d\)](#).

52. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has suffered actual damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Nikki S. Jones, as Administratrix of the Estate of Sallie M. Singleton, prays for judgment against Defendants as follows:

1. For damages in an amount adequate to compensate Plaintiff for the injuries and damages sustained.
2. For all general and special damages caused by the alleged conduct of Defendant.
3. For the costs of litigating this case.
4. For attorneys' fees as provided by [Ark. Code Ann. § 16-22-308](#) and [Ark. Code Ann. § 16-118-107](#).
5. For punitive damages sufficient to punish Defendants for their egregious and malicious misconduct in reckless disregard and conscious indifference to the consequences to Sallie Singleton and to deter Defendants and others from repeating such atrocities.
6. For all other relief to which Plaintiff is entitled.

Respectfully submitted,

Tanekiw Wright, as Administratrix of the Estate of Sallie M. Singleton

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